

AFFIDAVIT OF TOM RETZLAFF

On this day, Tom Retzlaff appeared before me, a Notary Public, and after I administered an oath to him, upon his oath, he said:

1. "My name is Tom Retzlaff. I am more than 18 years of age and capable of making this affidavit. I have personal knowledge of the facts and matters set forth herein, which are true and correct.

2. On Wednesday, December 12, 2018, I received two emails from Jason Lee Van Dyke; which I took to be specific threats to murder me on account of my being a witness against him for the State Bar of Texas in a disbarment proceeding styled *Texas Comm'n for Lawyer Discipline v. Jason Lee Van Dyke*, Case No. 201707583, pending before the District 14 Grievance Committee – Evidentiary Panel 14-2, in Denton County, Texas. This matter is set for trial on February 22, 2019. Kristin Brady is the prosecutor for the Office of Disciplinary Counsel in this case.

3. Furthermore, I believe that these threats were made in retaliation against me on account of my status as being a defendant and witness in a SLAPP lawsuit filed by Van Dyke against me in which he is suing me for \$100 million claiming that I defamed him in my State Bar grievances and in supposedly causing him to lose his job as an Assistant District Attorney with Victoria County, Texas, last March 2017. I am being represented by the Hanszen Laporte law firm in Houston and Jeffrey Dorrell is my lead attorney. He is an expert in First Amendment law, having won numerous cases before both the Texas Supreme Court and the U.S. Supreme Court. That case is currently pending before U.S. District Court Judge Amos Mazzant of the Eastern District of Texas – Sherman Division in Case No. 4:18-cv-00247. Additionally, last month Van Dyke filed an additional identical lawsuit against me that is currently pending in the federal court in Arizona, Case No. 2:18-cv-04003. A motion for anti-SLAPP sanctions is pending in both of those federal courts and we are seeking a million dollars in sanctions and reimbursement of my attorney's fees.

4. On December 3, 2018, in an acknowledgement that we will win these sanctions motions, Van Dyke filed motions in each of those courts seeking the dismissal of both of his lawsuits in the hopes of escaping sanctions (which isn't going to happen).

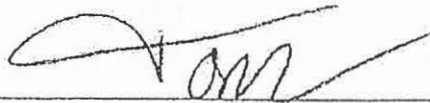
5. But now there has been a lot of negative publicity in both the local Denton news media, but internationally as well, regarding these SLAPP lawsuits and Van Dyke's leadership role with a violent white supremacist organization called the *Proud Boys*. I understand that this culminated with a decision by the President of the University of North Texas to have Van Dyke removed from his former role as an instructor for the UNT Marksman student gun club.

6. Attached are true and correct copies of the two emails I received from Van Dyke, along with the email "header" information.

7. An email consists of three vital components: the envelope, the header(s), and the body of the message. The envelope is something that an email user will never see since it is part of the internal process by which an email is routed. The body is the part that we always see as it is the actual content of the message contained in the email. The header(s), the third component of an email, contains the particular routing information of the message and shows the originating IP address and email account. Which, in this case, is 96.226.87.77 and "jason@vandykelawfirm.com".

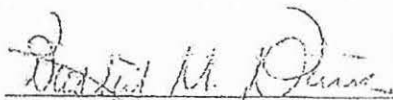
8. Receiving these emails made me very concerned, angry, and afraid. A month ago, I learned that Van Dyke had just been made the leader of the *Proud Boys*. I have read several news articles about the Proud Boys which state it has over 10,000 members all across the country, and that the FBI and law enforcement consider them to be an extremist group with ties to white nationalism. I have read several news articles about acts of political and racial violence caused by members of the *Proud Boys* and how many of its members have been arrested for acts like riot and assault. Van Dyke frequently posts photos of himself on social media handling assault-style rifles along with messages threaten people with violence and death. In my opinion, Van Dyke is a crazy person capable of anything."

FURTHER AFFIANT SAYETH NOT.



TOM RETZLAFF

SWORN TO and SUBSCRIBED before me by Thomas Retzlaff, personally known to me or identified to be the same, on December 13, 2018.



Notary Public in and for the State of Arizona

